REMARKS

Applicant respectfully requests entry of the following amendments and remarks in response to the Office Action mailed August 7, 2009. Applicant respectfully submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 4, 7 – 11, 13 – 19, 22 – 27, 29, and 30 are pending. In particular, Applicant amends claims 1, 9, 14 – 16, and 23 – 25 and cancels claims 6 and 21 without prejudice, waiver, or disclaimer. Applicant cancels claims 6 and 21 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and do not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Examiner Interview

Applicant first wishes to express sincere appreciation for the time that Examiner Hussain spent with Applicant's Attorney, Anthony Bonner, during a telephone discussion on July 20, 2009 regarding the outstanding Office Action. During that conversation, Examiner Hussain indicated the allowability of incorporating claim 6 into claim 1. Thus, Applicant respectfully requests that Examiner Hussain carefully consider this response and the amendments.

II. Rejections Under 35 U.S.C. §101

The Office Action indicates that claims 1 and 9 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicant amends claims 1 and 9, as

indicated above. Applicant submits that these amendments comply with the Office Action

request and that claims 1 and 9, as amended, fulfill all the requirements of 35 U.S.C. §101.

III.   **Rejections Under 35 U.S.C. §112**

The Office Action indicates that claims 15 and 24 stand rejected under 35 U.S.C. §112,

second paragraph, as being indefinite for allegedly not including support for means-plus-

function elements. Applicant respectfully traverses this rejection. More specifically, MPEP

§2181, quoting the Court of Appeals for the Federal Circuit in In re Donaldson Co., 16 F.3d

1189, 29 USPQ2d 1845 (Fed. Cir. 1994), states "the 'broadest reasonable interpretation' that an

examiner may give means-plus-function language is that statutorily mandated in paragraph six.

Accordingly, the PTO may not disregard the structure disclosed in the specification

corresponding to such language when rendering a patentability determination" (emphasis

added). In the present application, corresponding structure for each of the means-plus-function

claim elements are illustrated in FIG. 2, and described on page 22, line 1 – page 23, line 5 (e.g.,

see processor 220, memory 230, etc.). Additional structure is further illustrated in FIGS. 3A and

3B and described on page 23, line 6 – page 29, line 22. As one of ordinary skill in the art would

unquestionably understand the corresponding structure for the elements of claims 15 and 24,

35 U.S.C. §112, paragraphs 1 and 6 are fulfilled. For at least this reasons, claims 15 and 24

are allowable.

IV.   **Rejections Under 35 U.S.C. §103**

A.   **Claim 1 is Allowable Over *Couts, Morris*, and *Danieli***

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. §103(a) as

allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 ("*Couts*") in

view of U.S. Patent Number 6,496,851 ("*Morris*") further in view of U.S. Publication Number

2005/0181878 ("*Danieli*"). Applicant respectfully traverses this rejection for at least the reason

that *Couts* in view of *Morris* and *Danieli* fail to disclose, teach, or suggest all of the elements of

claim 1. More specifically, claim 1 recites:

> A communication method comprising:
> receiving, by a computing device, an instant messaging (IM) message from a first user to a second user;
> **waiting a predefined time interval prior to prompting the first user for permission**;
> prompting the first user for permission to convey the IM message to a third user;
> determining whether the second user is currently engaged in an IM chat session with a fourth user;
> indicating to the first user, in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user;
> prompting the first user to join the IM chat session;
> in response to receiving an indication that the first user wants to join the IM chat session, prompting the second user and the fourth user to allow the first user to join the IM chat session; and
> in response to receiving an indication that the second user and the fourth user want to allow the first user to joint the IM chat session, facilitating joining of the first user to the IM chat session.
> **(Emphasis added).**

Applicant respectfully submits that claim 1, as amended, is allowable over the cited art

for at least the reason that none of *Couts*, *Morris*, and *Danieli*, taken alone of combination,

discloses, teaches, or suggests a "communication method comprising... **waiting a predefined**

time interval prior to prompting the first user for permission" as recited in claim 1, as

amended. More specifically, *Couts* discloses "if the target device is unavailable, then the

messaging proxy 120 determines whether the originating device allows forwarding of the

messages" (page 4, paragraph [0028]). However, *Couts* fails to even suggest "**waiting a**

predefined time interval prior to prompting the first user for permission" as recited in claim

1, as amended.

Additionally, *Morris* fails to overcome the deficiencies of *Couts*. More specifically, *Morris* discloses an "online 'chat' session, and a typical set of parameters for a proposal to chat [that] could include a proposed topic on which the chat session will be focused" (column 3, line 57). However, *Morris* fails to even suggest "***waiting a predefined time interval prior to prompting the first user for permission***" as recited in claim 1, as amended.

Further, *Danieli* fails to overcome the deficiencies of *Couts* and *Morris*. More specifically, *Danieli* discloses "provid[ing] an easy way for players to host and join new instances of multiplayer online electronic games" (page 1, paragraph [0011]). However, this has absolutely nothing to do with "***waiting a predefined time interval prior to prompting the first user for permission***" as recited in claim 1, as amended.

In addition to the reasons set forth above, claim 1, as amended, is allowable for at least the reason that this claim includes the allowable portions of claim 6. For at least these reasons, claim 1, as amended, is allowable and Applicant requests an expedited allowance of the present application.

B.   Claim 9 is Allowable Over *Couts, Morris*, and *Danieli*

The Office Action indicates that claim 9 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 ("*Couts*") in view of U.S. Patent Number 6,496,851 ("*Morris*") further in view of U.S. Publication Number 2005/0181878 ("*Danieli*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Morris* and *Danieli* fail to disclose, teach, or suggest all of the elements of claim 9. More specifically, claim 9 recites:

A communication method comprising:
    receiving, by a computing device, an instant messaging (IM) message from a first user to a second user;
    waiting a predefined time interval prior to prompting the first user for permission;
    prompting the first user for permission to convey the IM message to a third user;
    conveying the IM message to a third user;
    determining whether the second user is currently engaged in an IM chat session with a fourth user;
    indicating to the first user, in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user;
    prompting the first user to join the IM chat session;
    in response to receiving an indication that the first user wants to join the IM chat session, prompting the second user and the fourth user to allow the first user to join the IM chat session; and
    in response to receiving an indication that the second user and the fourth user want to allow the first user to joint the IM chat session, facilitating joining of the first user to the IM chat session.
(Emphasis added).

Applicant respectfully submits that claim 9, as amended, is allowable over the cited art for at least the reason that none of *Couts*, *Morris*, and *Danieli*, taken alone of combination, discloses, teaches, or suggests a "communication method comprising***... waiting a predefined time interval prior to prompting the first user for permission***" as recited in claim 9, as amended. More specifically, *Couts* discloses "if the target device is unavailable, then the messaging proxy 120 determines whether the originating device allows forwarding of the messages" (page 4, paragraph [0028]). However, *Couts* fails to even suggest "***waiting a predefined time interval prior to prompting the first user for permission***" as recited in claim 9, as amended.

Additionally, *Morris* fails to overcome the deficiencies of *Couts*. More specifically, *Morris* discloses an "online 'chat' session, and a typical set of parameters for a proposal to chat [that] could include a proposed topic on which the chat session will be focused" (column 3, line 57).

However, *Morris* fails to even suggest "***waiting a predefined time interval prior to prompting the first user for permission***" as recited in claim 9, as amended.

Further, *Danieli* fails to overcome the deficiencies of *Couts* and *Morris*. More specifically, *Danieli* discloses "provid[ing] an easy way for players to host and join new instances of multiplayer online electronic games" (page 1, paragraph [0011]). However, this has absolutely nothing to do with "***waiting a predefined time interval prior to prompting the first user for permission***" as recited in claim 9, as amended.

In addition to the reasons set forth above, claim 9, as amended, is allowable for at least the reason that this claim includes the allowable portions of claim 6. For at least these reasons, claim 9, as amended, is allowable and Applicant requests an expedited allowance of the present application.

C.   Claim 14 is Allowable Over *Couts, Morris,* and *Danieli*

The Office Action indicates that claim 14 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 ("*Couts*") in view of U.S. Patent Number 6,496,851 ("*Morris*") further in view of U.S. Publication Number 2005/0181878 ("*Danieli*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Morris* and *Danieli* fail to disclose, teach, or suggest all of the elements of claim 14. More specifically, claim 14 recites:

> A communication system comprising:
> a memory component that stores at least the following:
> > receiving logic configured to receive an instant messaging (IM) message from a first user to a second user;
> > ***waiting logic configured to wait a predefined time interval prior to prompting the first user for permission***;
> > first prompting logic configured to prompt the first user for permission to convey the IM message to a third user;
> > determining logic configured to determine whether the second user is currently engaged in an IM chat session with a fourth user;
> > indicating logic configured to indicate to the first user, in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user;
> > second prompting logic configured to prompt the first user to join the IM chat session;
> > third prompting logic configured to, in response to receiving an indication that the first user wants to join the IM chat session, prompting the second user and the fourth user to allow the first user to join the IM chat session; and
> > joining logic configured to, in response to receiving an indication that the second user and the fourth user want to allow the first user to joint the IM chat session, facilitating joining of the first user to the IM chat session.
>
> **(Emphasis added)**.

Applicant respectfully submits that claim 14, as amended, is allowable over the cited art for at least the reason that none of *Couts*, *Morris*, and *Danieli*, taken alone of combination, discloses, teaches, or suggests a "communication system comprising… ***waiting logic configured to wait a predefined time interval prior to prompting the first user for permission***" as recited in claim 14, as amended. More specifically, *Couts* discloses "if the target device is unavailable, then the messaging proxy 120 determines whether the originating device allows forwarding of the messages" (page 4, paragraph [0028]). However, *Couts* fails to even suggest "***waiting logic configured to wait a predefined time interval prior to prompting the first user for permission***" as recited in claim 14, as amended.

Additionally, *Morris* fails to overcome the deficiencies of *Couts*. More specifically, *Morris* discloses an "online 'chat' session, and a typical set of parameters for a proposal to chat [that]

could include a proposed topic on which the chat session will be focused" (column 3, line 57).

However, *Morris* fails to even suggest "**waiting logic configured to wait a predefined time interval prior to prompting the first user for permission**" as recited in claim 14, as amended.

Further, *Danieli* fails to overcome the deficiencies of *Couts* and *Morris*. More specifically, *Danieli* discloses "provid[ing] an easy way for players to host and join new instances of multiplayer online electronic games" (page 1, paragraph [0011]). However, this has absolutely nothing to do with "**waiting logic configured to wait a predefined time interval prior to prompting the first user for permission**" as recited in claim 14, as amended.

In addition to the reasons set forth above, claim 14, as amended, is allowable for at least the reason that this claim includes the allowable portions of claim 6. For at least these reasons, claim 14, as amended, is allowable and Applicant requests an expedited allowance of the present application.

D.   Claim 15 is Allowable Over *Couts, Morris,* and *Danieli*

The Office Action indicates that claim 15 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 ("*Couts*") in view of U.S. Patent Number 6,496,851 ("*Morris*") further in view of U.S. Publication Number 2005/0181878 ("*Danieli*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Morris* and *Danieli* fail to disclose, teach, or suggest all of the elements of claim 15. More specifically, claim 15 recites:

A communication system comprising:
    means for receiving an instant messaging (IM) message from a first user to a second user;
    means for waiting a predefined time interval prior to prompting the first user for permission;
    means for prompting the first user for permission to convey the IM message to a third user;
    means for determining whether the second user is currently engaged in an IM chat session with a fourth user;
    means for indicating to the first user, in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user;
    means for prompting the first user to join the IM chat session;
    means for, in response to receiving an indication that the first user wants to join the IM chat session, prompting the second user and the fourth user to allow the first user to join the IM chat session; and
    means for, in response to receiving an indication that the second user and the fourth user want to allow the first user to joint the IM chat session, facilitating joining of the first user to the IM chat session.
(Emphasis added).

Applicant respectfully submits that claim 15, as amended, is allowable over the cited art

for at least the reason that none of *Couts*, *Morris*, and *Danieli*, taken alone of combination,

discloses, teaches, or suggests a "communication system comprising ***... means for waiting a***

predefined time interval prior to prompting the first user for permission" as recited in claim

15, as amended. More specifically, *Couts* discloses "if the target device is unavailable, then the

messaging proxy 120 determines whether the originating device allows forwarding of the

messages" (page 4, paragraph [0028]). However, *Couts* fails to even suggest "***means for***

waiting a predefined time interval prior to prompting the first user for permission" as

recited in claim 15, as amended.

Additionally, *Morris* fails to overcome the deficiencies of *Couts*. More specifically, *Morris*

discloses an "online 'chat' session, and a typical set of parameters for a proposal to chat [that]

could include a proposed topic on which the chat session will be focused" (column 3, line 57).

However, *Morris* fails to even suggest "**means for waiting a predefined time interval prior to prompting the first user for permission**" as recited in claim 15, as amended.

Further, *Danieli* fails to overcome the deficiencies of *Couts* and *Morris*. More specifically, *Danieli* discloses "provid[ing] an easy way for players to host and join new instances of multiplayer online electronic games" (page 1, paragraph [0011]). However, this has absolutely nothing to do with "**means for waiting a predefined time interval prior to prompting the first user for permission**" as recited in claim 15, as amended.

In addition to the reasons set forth above, claim 15, as amended, is allowable for at least the reason that this claim includes the allowable portions of claim 6. For at least these reasons, claim 15, as amended, is allowable and Applicant requests an expedited allowance of the present application.

E.   Claim 16 is Allowable Over *Couts, Morris,* and *Danieli*

The Office Action indicates that claim 16 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 ("*Couts*") in view of U.S. Patent Number 6,496,851 ("*Morris*") further in view of U.S. Publication Number 2005/0181878 ("*Danieli*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Morris* and *Danieli* fail to disclose, teach, or suggest all of the elements of claim 16. More specifically, claim 16 recites:

>   A computer-readable medium that stores a program that,
>   when executed by a computer, causes the computer to perform at
>   least the following:
>   receive an instant messaging (IM) message from a first
>   user to a second user;
>   *wait a predefined time interval prior to prompting the
>   first user for permission*;
>   prompt the first user for permission to convey the IM
>   message to a third user;
>   determine whether the second user is currently engaged in
>   an IM chat session with a fourth user;
>   indicate to the first user, in response to determining that
>   the second user is engaged in an IM chat session with a fourth
>   user, that the second user is engaged in an IM chat session with
>   the fourth user;
>   prompt the first user to join the IM chat session;
>   in response to receiving an indication that the first user
>   wants to join the IM chat session, prompt the second user and the
>   fourth user to allow the first user to join the IM chat session; and
>   in response to receiving an indication that the second user
>   and the fourth user want to allow the first user to joint the IM chat
>   session, facilitate joining of the first user to the IM chat session.
> **(Emphasis added).**

Applicant respectfully submits that claim 16, as amended, is allowable over the cited art

for at least the reason that none of *Couts*, *Morris*, and *Danieli*, taken alone of combination,

discloses, teaches, or suggests a "computer-readable medium that stores a program that, when

executed by a computer, causes the computer to perform at least the following... *wait a*

predefined time interval prior to prompting the first user for permission" as recited in claim

16, as amended. More specifically, *Couts* discloses "if the target device is unavailable, then the

messaging proxy 120 determines whether the originating device allows forwarding of the

messages" (page 4, paragraph [0028]). However, *Couts* fails to even suggest "*wait[ing] a*

predefined time interval prior to prompting the first user for permission" as recited in claim

16, as amended.

Additionally, *Morris* fails to overcome the deficiencies of *Couts*. More specifically, *Morris*

discloses an "online 'chat' session, and a typical set of parameters for a proposal to chat [that]

could include a proposed topic on which the chat session will be focused" (column 3, line 57).

However, *Morris* fails to even suggest "***wait[ing] a predefined time interval prior to prompting the first user for permission***" as recited in claim 16, as amended.

Further, *Danieli* fails to overcome the deficiencies of *Couts* and *Morris*. More specifically, *Danieli* discloses "provid[ing] an easy way for players to host and join new instances of multiplayer online electronic games" (page 1, paragraph [0011]). However, this has absolutely nothing to do with "***wait[ing] a predefined time interval prior to prompting the first user for permission***" as recited in claim 16, as amended.

In addition to the reasons set forth above, claim 16, as amended, is allowable for at least the reason that this claim includes the allowable portions of claim 6. For at least these reasons, claim 16, as amended, is allowable and Applicant requests an expedited allowance of the present application.

F. **Claim 23 is Allowable Over *Couts, Morris,* and *Danieli***

The Office Action indicates that claim 23 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 ("*Couts*") in view of U.S. Patent Number 6,496,851 ("*Morris*") further in view of U.S. Publication Number 2005/0181878 ("*Danieli*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Morris* and *Danieli* fail to disclose, teach, or suggest all of the elements of claim 23. More specifically, claim 23 recites:

A communication system comprising:

a memory component that stores at least the following:

receiving logic configured to receive an instant messaging (IM) message from a first user to a second user;

waiting logic configured to wait a predefined time interval prior to prompting the first user for permission;

prompting logic configured to prompt the first user for permission to convey the IM message to a third user;

conveying logic configured to convey the IM message to a third user;

determining logic configured to determine whether the second user is currently engaged in an IM chat session with a fourth user;

indicating logic configured to indicate to the first user, in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user;

first prompting logic configured to prompt the first user to join the IM chat session;

second prompting logic configured to, in response to receiving an indication that the first user wants to join the IM chat session, prompt the second user and the fourth user to allow the first user to join the IM chat session; and

joining logic configured to, in response to receiving an indication that the second user and the fourth user want to allow the first user to joint the IM chat session, facilitate joining of the first user to the IM chat session.

(Emphasis added).

Applicant respectfully submits that claim 23, as amended, is allowable over the cited art

for at least the reason that none of *Couts*, *Morris*, and *Danieli*, taken alone of combination,

discloses, teaches, or suggests a "communication system comprising... ***waiting logic***

configured to wait a predefined time interval prior to prompting the first user for

permission" as recited in claim 23, as amended. More specifically, *Couts* discloses "if the

target device is unavailable, then the messaging proxy 120 determines whether the originating

device allows forwarding of the messages" (page 4, paragraph [0028]). However, *Couts* fails to

even suggest "***waiting logic configured to wait a predefined time interval prior to***

prompting the first user for permission" as recited in claim 23, as amended.

Additionally, *Morris* fails to overcome the deficiencies of *Couts*. More specifically, *Morris* discloses an "online 'chat' session, and a typical set of parameters for a proposal to chat [that] could include a proposed topic on which the chat session will be focused" (column 3, line 57). However, *Morris* fails to even suggest "***waiting logic configured to wait a predefined time interval prior to prompting the first user for permission***" as recited in claim 23, as amended.

Further, *Danieli* fails to overcome the deficiencies of *Couts* and *Morris*. More specifically, *Danieli* discloses "provid[ing] an easy way for players to host and join new instances of multiplayer online electronic games" (page 1, paragraph [0011]). However, this has absolutely nothing to do with "***waiting logic configured to wait a predefined time interval prior to prompting the first user for permission***" as recited in claim 23, as amended.

In addition to the reasons set forth above, claim 23, as amended, is allowable for at least the reason that this claim includes the allowable portions of claim 6. For at least these reasons, claim 23, as amended, is allowable and Applicant requests an expedited allowance of the present application.

G.   **Claim 24 is Allowable Over *Couts, Morris,* and *Danieli***

The Office Action indicates that claim 24 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 ("*Couts*") in view of U.S. Patent Number 6,496,851 ("*Morris*") further in view of U.S. Publication Number 2005/0181878 ("*Danieli*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Morris* and *Danieli* fail to disclose, teach, or suggest all of the elements of claim 24. More specifically, claim 24 recites:

A communication system comprising:
means for receiving an instant messaging (IM) message from a first user to a second user;
means for waiting a predefined time interval prior to prompting the first user for permission;
means for prompting the first user for permission to convey the IM message to a third user;
means for conveying the IM message to a third user;
means for determining whether the second user is currently engaged in an IM chat session with a fourth user;
means for indicating to the first user, in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user;
means for prompting the first user to join the IM chat session;
means for, in response to receiving an indication that the first user wants to join the IM chat session, prompting the second user and the fourth user to allow the first user to join the IM chat session; and
means for, in response to receiving an indication that the second user and the fourth user want to allow the first user to joint the IM chat session, facilitating joining of the first user to the IM chat session.
(Emphasis added).

Applicant respectfully submits that claim 24, as amended, is allowable over the cited art for at least the reason that none of *Couts*, *Morris*, and *Danieli*, taken alone of combination, discloses, teaches, or suggests a "communication system comprising... ***means for waiting a predefined time interval prior to prompting the first user for permission***" as recited in claim 24, as amended. More specifically, *Couts* discloses "if the target device is unavailable, then the messaging proxy 120 determines whether the originating device allows forwarding of the messages" (page 4, paragraph [0028]). However, *Couts* fails to even suggest "***means for waiting a predefined time interval prior to prompting the first user for permission***" as recited in claim 24, as amended.

Additionally, *Morris* fails to overcome the deficiencies of *Couts*. More specifically, *Morris* discloses an "online 'chat' session, and a typical set of parameters for a proposal to chat [that] could include a proposed topic on which the chat session will be focused" (column 3, line 57).

However, *Morris* fails to even suggest "**means for waiting a predefined time interval prior to prompting the first user for permission**" as recited in claim 24, as amended.

Further, *Danieli* fails to overcome the deficiencies of *Couts* and *Morris*. More specifically, *Danieli* discloses "provid[ing] an easy way for players to host and join new instances of multiplayer online electronic games" (page 1, paragraph [0011]). However, this has absolutely nothing to do with "**means for waiting a predefined time interval prior to prompting the first user for permission**" as recited in claim 24, as amended.

In addition to the reasons set forth above, claim 24, as amended, is allowable for at least the reason that this claim includes the allowable portions of claim 6. For at least these reasons, claim 24, as amended, is allowable and Applicant requests an expedited allowance of the present application.

H.   Claim 25 is Allowable Over *Couts, Morris,* and *Danieli*

The Office Action indicates that claim 25 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent Publication Number 2003/0120805 ("*Couts*") in view of U.S. Patent Number 6,496,851 ("*Morris*") further in view of U.S. Publication Number 2005/0181878 ("*Danieli*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Morris* and *Danieli* fail to disclose, teach, or suggest all of the elements of claim 25. More specifically, claim 25 recites:

A computer-readable medium that includes a computer program that, when executed by a computer, causes the computer to perform at least the following:

receive an instant messaging (IM) message from a first user to a second user;

wait a predefined time interval prior to prompting the first user for permission;

prompt the first user for permission to convey the IM message to a third user;

convey the IM message to a third user;

determine whether the second user is currently engaged in an IM chat session with a fourth user; and

indicate to the first user, in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user;

prompt the first user to join the IM chat session;

in response to receiving an indication that the first user wants to join the IM chat session, prompt the second user to allow the first user to join the IM chat session; and

in response to receiving an indication that the second user wants to allow the first user to joint the IM chat session, facilitate joining of the first user to the IM chat session.

(Emphasis added).

Applicant respectfully submits that claim 25, as amended, is allowable over the cited art for at least the reason that none of *Couts*, *Morris*, and *Danieli*, taken alone of combination, discloses, teaches, or suggests a "computer-readable medium that includes a computer program that, when executed by a computer, causes the computer to perform at least the following... **wait[ing] a predefined time interval prior to prompting the first user for permission**" as recited in claim 25, as amended. More specifically, *Couts* discloses "if the target device is unavailable, then the messaging proxy 120 determines whether the originating device allows forwarding of the messages" (page 4, paragraph [0028]). However, *Couts* fails to even suggest "**wait[ing] a predefined time interval prior to prompting the first user for permission**" as recited in claim 25, as amended.

Additionally, *Morris* fails to overcome the deficiencies of *Couts*. More specifically, *Morris* discloses an "online 'chat' session, and a typical set of parameters for a proposal to chat [that]

could include a proposed topic on which the chat session will be focused" (column 3, line 57).

However, *Morris* fails to even suggest "***wait[ing] a predefined time interval prior to***

prompting the first user for permission" as recited in claim 25, as amended.

Further, *Danieli* fails to overcome the deficiencies of *Couts* and *Morris*. More

specifically, *Danieli* discloses "provid[ing] an easy way for players to host and join new

instances of multiplayer online electronic games" (page 1, paragraph [0011]). However, this has

absolutely nothing to do with "***wait[ing] a predefined time interval prior to prompting the***

first user for permission" as recited in claim 25, as amended.

In addition to the reasons set forth above, claim 25, as amended, is allowable for at least

the reason that this claim includes the allowable portions of claim 6. For at least these reasons,

claim 25, as amended, is allowable and Applicant requests an expedited allowance of the

present application.

I.   **Claims 2 – 4, 6 – 8, 10, 11, 13, 17 – 19, 21, 22, 26, 27, 29, and 30 are
      Allowable Over *Couts, Morris,* and *Danieli***

The Office Action indicates that claims 2 – 4, 6 – 8, 10, 11, 13, 17 – 19, 21, 22, 26, 27,

29, and 30 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S.

Patent Publication Number 2003/0120805 ("*Couts*") in view of U.S. Patent Number 6,496,851

("*Morris*") further in view of U.S. Publication Number 2005/0181878 ("*Danieli*"). Applicant

respectfully traverses this rejection for at least the reason that *Couts* in view of *Morris* and

Danieli fail to disclose, teach, or suggest all of the elements of claims 2 – 4, 6 – 8, 10, 11, 13, 17

– 19, 21, 22, 26, 27, 29, and 30. More specifically, Applicant cancels claims 6 and 21.

Additionally, dependent claims 2 – 4, 7, and 8 are allowable for at least the reason that these

claims depend from and include the elements of allowable independent claim 1. Dependent

claims 10, 11, and 13 are allowable for at least the reason that these claims depend from and

include the elements of allowable independent claim 9. Dependent claims 17 – 19 and 22 are allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 16. Further, dependent claims 26, 27, 29, and 30 are allowable for at least the reason that they depend from and include the elements of allowable independent claim 25. *In re Fine, Minnesota Mining and Mfg.Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

_____/afb/_____
Anthony F. Bonner Jr. Reg. No. 55,012

AT&T Legal Department – TKHR
Attn: Patent Docketing
One AT&T Way
Room 2A-207
Bedminster, NJ 07921
Customer No.: **38823**